


CERTIFICATE OF FACSIMILE TRANSMISSION		
I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office, via Central Facsimile No. (571) 273-8300 and addressed to: <u>Mail Stop: AE</u> , Commissioner for Patents, Alexandria, Virginia 22313-1450 on December 8, 2005.		
Typed or printed name	Rachel Mena	
Signature		Date December 8, 2005

PATENTS
Attorney Docket No. 39750-0008C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kenneth Barr, et al.

App. No.: 10/788,564 : Art Unit: 1625

Filed: February 27, 2004 : Examiner: Amelia A. Owens

For: COMPOUNDS THAT MODULATE THE ACTIVITY OF PTP-1B AND TC-PTP

Commissioner for Patents
P.O. Box 1450
Alexander, VA 22313-1450

Sir:

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER PRIOR PATENT

The owner, Sunesis Pharmaceuticals, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,784,205 B2. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

App. No. 10/788,564

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that either later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or is terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any way terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Sunesis Pharmaceuticals, Inc.
341 Oyster Point Boulevard
South San Francisco, California 94080

By: 
Sam L. Nguyen
Attorney of Record

Date: December 8, 2005

* PTO suggested wording for terminal disclaimer was used
unchanged except for reference to the prior patent.

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12/08/05 3:03 PM

COMBINED FEE TRANSMITTAL for FY 2005

Effective 12/08/2004. Patent fees are subject to annual revision.

PTO/SB/17 (12-04) (Revised) (For payment of 37 CFR 1.17 fees including (f), (g), (h), & (i))

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 290

METHOD OF PAYMENT (check one)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account

Deposit Account Number: 08-1641

Deposit Account Name: Heller Ehrman LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below

☒ Credit any overpayments and charge any deficiencies

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the deposit account

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	135	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

SUBTOTAL (1) \$ 0

2. EXTRA CLAIM FEES

Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
50	25	Each claim in excess of 20 or, for Reissues, each claim in excess of 20 and more than in the original patent
200	100	Each independent claim in excess of 3 or, for Reissues, each independent claim more than in the original patent
360	180	Multiple dependent claim, if not already paid

Extra Claims		Fee from above	Fee Paid
Total Claims	-20** =	x	=
Independent Claims	-3** =	x	=

**or number previously paid, if greater; For Reissues see below

Multiple Dependent ☐ = ☐

SUBTOTAL (2) \$ 0

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof (round up to the whole number). See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(a)

Total Sheets	Extra Sheets	Number of each additional 50	Fee (\$)	Small Entity Fee (\$)
-100 =			x 125 OR x 125	

SUBTOTAL (3) \$ 0

Complete if Known

Application Number	10/788,564
Filing Date	February 27, 2004
First Named Inventor	Kenneth Barr
Examiner Name	Amelia A. Owens
Art Unit	1625
Attorney Docket No.	39750-0008C1

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FEE CALCULATION (continued)

4. PETITION FEES UNDER 37 CFR 1.17 (f)	Fee Paid
Fee Code: 1462 Fee \$ 400 For petitions filed under: \$ 1.53(e); \$ 1.57(a); \$ 1.182; \$ 1.183; \$ 1.378(c); \$ 1.741(b)	0
5. PETITION FEES UNDER 37 CFR 1.17 (g)	Fee Paid
Fee Code: 1463 Fee \$ 200 For petitions filed under: \$ 1.12; \$ 1.14; \$ 1.47; \$ 1.59; \$ 1.103(a); \$ 1.136(b); \$ 1.295; \$ 1.296; \$ 1.377; \$ 1.550(c); \$ 1.956; \$ 5.12; \$ 5.15; \$ 5.25	0
6. PETITION FEES UNDER 37 CFR 1.17 (h)	Fee Paid
Fee Code: 1464 Fee \$ 130 For petitions filed under: \$ 1.19(g); \$ 1.84; \$ 1.91; \$ 1.102(d); \$ 1.138(c); \$ 1.313; \$ 1.314	0
7. PROCESSING FEES UNDER 37 CFR 1.17 (i)	Fee Paid
Fee Code: 1808 (1803 for § 1.221) Fee \$ 130 For petitions filed under: \$ 1.28(c)(3); \$ 1.41; \$ 1.48; \$ 1.52(d); \$ 1.53(b)(3); \$ 1.55; \$ 1.99(c); \$ 1.103(b); \$ 1.103(c); \$ 1.103(d); \$ 1.217; \$ 1.221; \$ 1.291(c)(5); \$ 1.497(d); \$ 3.81	0

8. OTHER FEES

Entity Fee (\$)	Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	For filing a request for <i>ex parte</i> reexamination	
920*	920*	Requesting publication of SIR prior to Examiner action	
1,840*	1,840*	Requesting publication of SIR after Examiner action	
120	60	Extension for reply within first month	
450	225	Extension for reply within second month	
1,020	510	Extension for reply within third month	
1,590	795	Extension for reply within fourth month	
2,160	1,080	Extension for reply within fifth month	
340	170	Filing a brief in support of an appeal	
790	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1,510	1,510	Petition to institute a public use proceeding	
110	55	Petition to revive - unavoidable	
1,370	685	Petition to revive - unintentional	
50	50	Processing fee under 37 CFR 1.17(q)	
180	180	Submission of Information Disclosure Stmt	
300	150	Request for oral hearing	
790	395	For each additional invention to be examined (37 CFR 1.129(b))	
790	395	Request for Continued Examination (RCE)	
900	900	Request for expedited examination of a design application	
Other fee (specify) (Fee Code: 1814/2814) Statutory Disclaimer			65

SUBTOTAL (4+5+6+7+8)

\$ 65

* Reduced by Basic Filing Fee Paid

SUBMITTED BY

Name (Print/Type) Sam L. Nguyen

Registration No. (Attorney/Agent)

52,496

Complete (if applicable)

Telephone (650) 324-7000